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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,915	09/08/2003	Daniel H. Hazelton		8642
7590	11/16/2004		EXAMINER	
Daniel H. Hazelton 55 Nunan Street Charleston, SC 29403			CHAMBERS, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3711	
			DATE MAILED: 11/16/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,915	HAZELTON, DANIEL H.	
Examiner	Art Unit		
Mike Chambers	3711		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 July 2004.

2a)  This action is FINAL.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The replacement drawings were received on 7/27/04. These drawings are entered as fig 1-11only for the purpose of clarity.

### *Specification*

The substitute specification filed 7/28/2004 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: the applicant has failed to provide a marked up copy of the existing specification showing the additions and deletions to the original specification i.e. any deleted sections or words should be bracketed [ ] any added words should be underlined.

If the applicant only wished to modify the existing specification, they should follow the following procedure.

On a paper stating Changes to the Specification:

Changes to the Specification

On Page3, line 19: The term "mutable of a number" with--- multiple of a number---

On Page 5, line 27: The term "Diagram 1 is a picture taken of" with--- Figure 7 is a drawing of---

This is not an all inclusive list. The applicant should follow this layout if changes to the specification are desired.

### *Drawings*

The amendment filed 7/28/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention.

Applicant is required to cancel the new matter in the reply to this Office Action.

The added material which is not supported by the original disclosure is as follows:

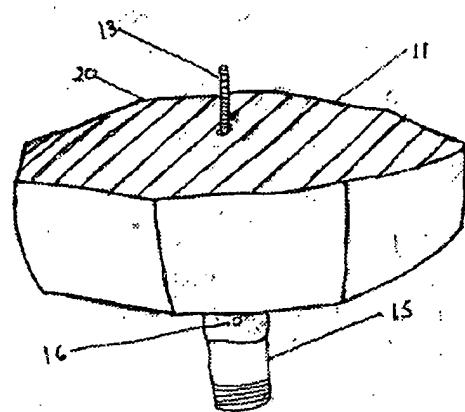
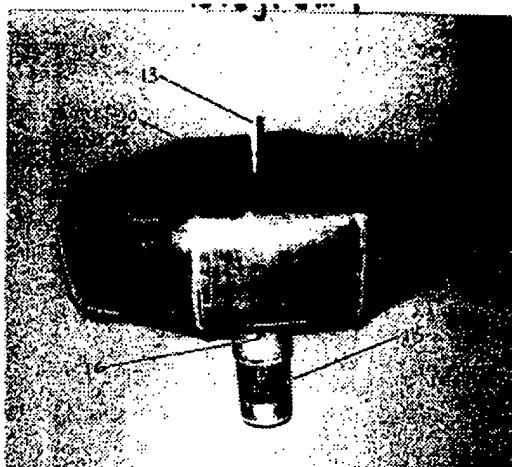


Fig 7 item 11 is disclosed as a planar surface.

Fig 7 item 13 is disclosed as a threaded rod.

Fig 7 item 15 is disclosed as a threaded pipe.

Figure 8



Fig 8 item 31 is disclosed

Fig 8 circular indicia is disclosed

Figure 10

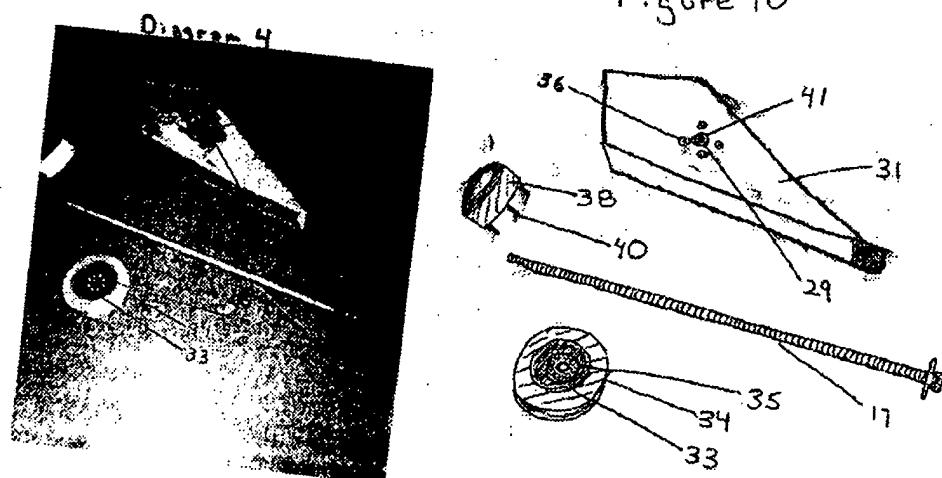


Fig 10 items 36,41,29,31,38,40,17 are disclosed.

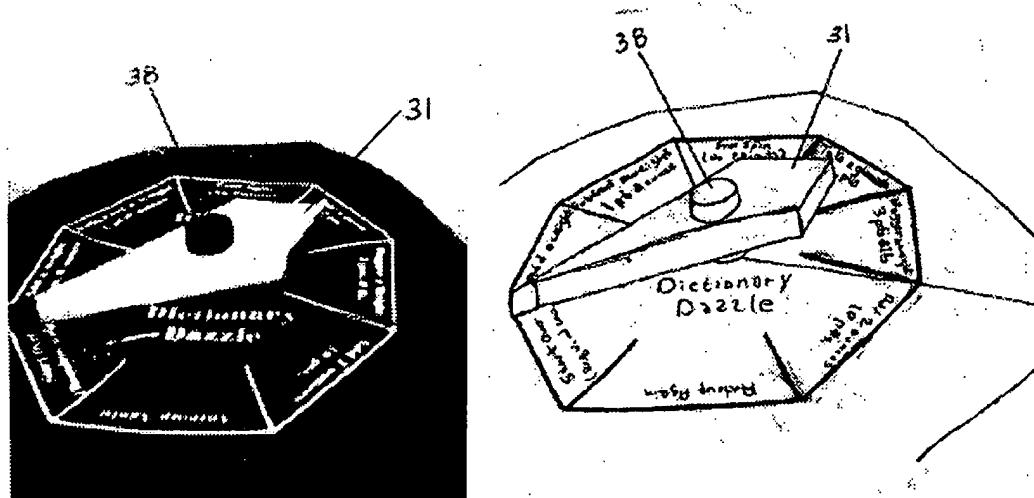


Fig 11 indicia is considered new matter

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims do not positively recite the invention. For example the limitation in claim 2, line 5 the term "said mound capable of being ....is not a positively recited term. The limitation cited may or may not be required. The terminology in the claim language is vague and indefinite. One of ordinary skill in the art would not be able to determine the metes and bounds of the invention.

Although the claim language is defective, the application will be reviewed on the merits as best understood. Applicant may wish the review the cited patents for an example of specification and claim construction.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 as well as understood is rejected under 35 U.S.C. 102(b) as being anticipated by Cricket Field Dimensions. Cricket Field Dimensions discloses a planar playing surface, a single line surrounding said playing surface (fig 1). Regarding the claimed feature, in as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

Also,

Claim 1 as well as understood is rejected under 35 U.S.C. 102(b) as being anticipated by Gomez. Gomez discloses a planar playing surface, a single line surrounding said playing surface (fig 1). Regarding the claimed feature, in as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

Also,

Claim 1 as well as understood is rejected under 35 U.S.C. 102(b) as being anticipated by Trumbull. Trumbull discloses a planar playing surface, a single line surrounding said playing surface (fig 4). Regarding the claimed feature, in as much

structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

Also,

Claim 1 as well as understood is rejected under 35 U.S.C. 102(b) as being anticipated by MacDonald. MacDonald discloses a planar playing surface, a single line surrounding said playing surface (fig 1). Regarding the claimed feature, in as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

Also,

Claim 1 as well as understood is rejected under 35 U.S.C. 102(b) as being anticipated by McNeil. McNeil discloses a planar playing surface, a single line surrounding said playing surface (fig 1). Regarding the claimed feature, in as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

Also,

Claim 1 as well as understood is rejected under 35 U.S.C. 102(b) as being anticipated by Wagner. Wagner discloses a planar playing surface, a single line surrounding said playing surface (fig 3). Regarding the claimed feature, in as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-4 as well as understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Cricket Field Dimensions. Cricket Field Dimensions discloses the elements of claim 2, however it fails to clearly disclose the use of an inner circle. The addition of indicia is not a patentable feature as it is not found in the technological arts. One of ordinary skill in the art would have selected any one of several equivalent layouts based on experience and field size. Note the claim language details an anchor but does not positively recite said anchor. Regarding the claimed feature, in as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 3 : See claim 2 rejection. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several equivalent perforation methods in order to perforate the backboard and reduce wind resistance. Regarding the claimed feature, in as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 4 : See claim 2 rejection. Cricket Field Dimensions discloses a connecting zone, follow through and safe zone. Regarding the claimed feature, in as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 703-306-5516. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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296581\*6257996\*6059673\*6117031\*6213900\* Michael Chambers  
Examiner  
Art Unit 3711

November 8, 2004

  
Sebastian Passaniti  
Primary Examiner